

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

CR03-081ML

NIGEL POTTER, et al.

MEMORANDUM AND ORDER

This matter is before the Court on Defendants' Joint Motion for Clarification of the Court's Memorandum and Order denying defendants' Motion for New Trial issued on September 27, 2005. The Motion for Clarification is granted in part and denied in part.


At pp. 4-5 of the Memorandum in Support of the Motion for Clarification, defendants state that they "do not know what portions of the grand jury testimony [of Mark Elliott] the Court reviewed." The reference is to a statement in footnote 2 of the September 27, 2005, Memorandum and Order. The Court was actually referring to the summary of grand jury testimony set forth in defendants' Motion for New Trial in footnote 8 at p. 6. Defendants, however, have now submitted as Exhibit 1 to the Motion to Clarify a portion of the transcript of Mr. Elliott's testimony before the grand jury. The Court finds the summary set forth in defendants' Motion for New Trial to be consistent with the portion of the transcript of Mr. Elliott's testimony before the grand jury. Accordingly, there is no need for further clarification beyond what is set forth here.

Defendants also request that the Court impound the court reporter's notes and the tape recording of the prosecutor's rebuttal argument on August 4, 2005. The court

reporter's notes and tapes have been preserved and impounded.

In all other respects, the Motion for Clarification is DENIED.

SO ORDERED:

A handwritten signature in cursive script, appearing to read "Mary M. Lisi", is written over a horizontal line.

Mary M. Lisi

United States District Judge

October 17, 2005